
AGENDA

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ

**April 19, 2022
7:00 PM**

STATEMENT OF ADEQUATE NOTICE

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times and Star Ledger and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law.

FLAG SALUTE

ROLL CALL Conry, Cox, Heinrich, Noone, Norris and Ron

AUDIENCE/COUNCIL APPEARANCE

Remarks, petitions, statements and testimony from guests

MINUTES

Regular: April 5, 2022

ORDINANCES 2nd Reading

ORDINANCE 2022-02

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS RETAIL ESTABLISHMENTS OF THE BOROUGH CODE

ORDINANCES 1st Reading

ORDINANCE 2022-04

Ordinance Amending Section 85-27.1 of the Code of the Borough of Washington, entitled "Schedule V(5)A: Resident Off-Street Permit Parking"

Agenda-Continued

RESOLUTIONS

- **RESOLUTION 2022-55 (2nd reading-Public Hearing-Adoption)**
2022 Municipal Budget
- **RESOLUTION 2022-58**
A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON
- **RESOLUTION 2022-60**
A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON
- **RESOLUTION 2022-61**
A RESOLUTION TO REFUND OVERPAYMENT ON 2022 SEWER BALANCE
- **RESOLUTION NO. 2022-62**
RESOLUTION URGING THE SWIFT PASSAGE OF S-330/A3804, WHICH SHALL RESTORE THE ENERGY TAX RECEIPTS TO MUNICIPALITIES

NEW BUSINESS

- Report from the Diversity Committee: Josephine Noone will provide Washington Borough Diversity Survey Results and Recommendations

OLD BUSINESS

VOUCHERS

REPORTS

RECAP

COUNCIL REMARKS

Remarks, Reports, Discussions

EXECUTIVE SESSION-if needed

ADJOURNMENT _____ P.M.

**BOROUGH OF WASHINGTON
COUNTY OF WARREN, NEW JERSEY
ORDINANCE 2022-02**

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING STANDARDS CONCERNING CANNABIS
RETAIL ESTABLISHMENTS OF THE BOROUGH CODE

WHEREAS, the Borough Council permitted cannabis operations via Ordinance 2021-07; and

WHEREAS, in reviewing Ordinance 2021-07, the Borough Council realized that the setback requirements from school, religious, and residential uses were too stringent and effectively prohibit cannabis retailers from locating within the Borough; and

WHEREAS, the Borough's Planner further recommended that additional provisions be added in order to ensure adequate space for parking and delivery and provide for adequate traffic circulation; and

WHEREAS, after consultation with the Borough Planner, the Borough Council wishes to amend the standards associated with Cannabis Retailers and delivery services; and

WHEREAS, the Borough Planner also recommended that cannabis retailers be required to provide for stormwater management onsite; and

NOW, THEREFORE, BE IT ORDAINED, by the Deputy Mayor and Council of the Borough of Washington, County of Warren, that the Code of the Borough of Washington be amended as follows:

SECTION 1. Section 94-86.3 F entitled "**Cannabis Retailers**" of the Borough Code is hereby amended as follows (additions noted in bold italics ***thus*** and deletions noted with strikethrough ~~thus~~):

F. Cannabis Retailers are permitted in the B-1 and B-2 Districts, subject to the following conditions:

- (1) Proof that the operator maintains all valid State of New Jersey licenses and approvals, and that all such licenses and/or approvals remain in good standing pursuant to the CREAMMA.
- (2) Compliance with the height, setback and other applicable requirements of the zone district in which they are located.
- (3) **Issuance of zoning permit and site plan approval by the Land Use Board.** The application for site plan approval shall include a traffic impact assessment prepared by a New Jersey licensed professional engineer having appropriate experience and education. The traffic impact assessment shall provide a description of the impact and effect of the proposed Cannabis Retailer upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
 - (a) Existing conditions in the vicinity of the proposed project including: the roadway network, representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months), traffic accident statistics, availability of public transportation, level of service of adjacent roadways.

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- (b) Traffic generated by the proposed development including, trip generation, trip distribution, modal split, level of service under proposed conditions.
- (c) Traffic impacts caused by the proposed development.
- (d) Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
- (e) Any other information requested by the Land Use Board reasonably required to make an informed assessment of potential traffic impacts.

(4) Limitation of Number of Cannabis Retailers within the Borough.

- (a) A maximum of two (2) Cannabis Retailers shall be permitted within the Borough. This limitation is inclusive of Medical Cannabis Dispensaries and Alternative Treatment Centers.
- (b) In the event multiple land use applications for Cannabis Retailers are submitted to the Borough in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Borough is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Borough shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Borough Planner or Zoning Officer.

(5) Location of Cannabis Retailers.

- ~~(a) No Cannabis Retailer shall be located within 1,500 feet from any other Cannabis Retailer, excluding Alternative Treatment Centers and Medical Cannabis Dispensaries only selling Medical Cannabis, which shall be generally measured from the subject property line to property line.~~
- (a) Cannabis Retailers shall not be located within a Drug-Free School Zone (i.e. within 1,000 feet of *adjacent to* school property used for school purposes which is owned by or leased to any **public or private** elementary or secondary school or school board.
- (b) Cannabis Retailers **located adjacent to properties currently used for residential purposes (regardless of zoning district) or residential zones (i.e. the R-1, R-2, R-3, R-4, R-6, and AR-7 Districts)**, shall **be required to provide a minimum landscaped buffer in accordance with §94-40 Buffers. A solid fence not to exceed 6-feet in height may be incorporated into the buffer, provided the fence is located interior to the required buffer. In no event shall a buffer be less than 20 feet.** ~~not be located within 500 feet of property used for residential purposes at the time of application or property zoned primarily for single family residential use (i.e. the R-1, R-2, R-3, R-4, R-6, and AR-7 Districts).~~
- ~~(a) Cannabis Retailers shall not be located within 500 feet of a church or house of worship.~~

- ~~(b) In the event land use applications for Cannabis Retailers that are within 1,500 feet of one another are submitted to the Borough in close proximity to one another, and if the applications comply with all the requirements of this chapter and the Act, the Borough is not permitted to approve all of the applications because of the limitations set forth in this subsection. The Borough shall first review for approval the application that was first submitted and determined to be a complete and compliant application by the Borough Planner or Zoning Officer.~~
- (6) **Hours of Operation.** Limit their hours of operation from 9:00 a.m. to 9:00 p.m., Monday to Sunday, or as otherwise provided for within a special use permit.
- (7) **Security.** Secured in accordance with all applicable provisions as defined in the Act and outlined in Section 94-86.3(H)(3).
- (8) **Storage of Product.** The storage or possession of cannabis or cannabis paraphernalia within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use. Cannabis plants, products, accessories, and associated paraphernalia contained in any Cannabis Establishment shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. All products and accessories shall be stored completely indoors and on-site in accordance with the Act and the Permitting Authority regulations.
- (9) **Signage.** External signage, including window signage, must be limited to text identifying the business and the logo for the business, provided that said logo does not include a cannabis plant leaf, cannabis paraphernalia, and / or outward glorification of cannabis consumption. All other Borough sign regulations must be complied with.
- (10) **Cannabis Consumption Areas.** Use or consumption of marijuana or cannabis in any manner shall not be permitted within the Cannabis Retailer's facility, whether in the building or on its grounds or parking lots. Cannabis Consumption Areas are not permitted.
- (11) Drive-thru facilities are not permitted.
- (12) **Parking and Circulation.**
- (a) Off-street parking shall be provided consistent with the zone in which the Cannabis Retailer is located and Borough Code Section 94-53. Parking for Cannabis Retailers shall be provided for as retail stores. Parking spaces may be reserved for the exclusive use of delivery vehicles.
 - (b) Parking areas shall be setback a minimum of 20 feet from all lot lines, unless adjacent to parking areas where adjoining properties have access easements.**
 - (c) Ingress and egress to the cannabis retailer shall be provided by Route 31 or Washington Avenue. In no event shall side streets be permitted to provide access. This condition shall not apply to access required for emergency vehicles.**
 - (d) A minimum of one loading and unloading space shall be provided on site for the purpose of receiving wholesale deliveries.**

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(e) Additional parking spaces (over and above the required parking for the use in the applicable zoning district) for delivery vehicles may be reserved and provided.

(13) Additional Standards for Cannabis Retailers

(a) Stormwater management shall be provided utilizing NJDEP's best management practices.

(b) In no event shall lighting, including lighting for security, be permitted to spill over onto adjacent residential properties or zones.

(c) Unusual odors, smells, fragrance, or other olfactory stimulants shall be prohibited. Odor mitigation filtration systems must be installed and maintained in perfect working order.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. The Borough is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Warren County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 5. This Ordinance shall take effect upon final passage, publication, and filing with the Warren County Planning Board, all in accordance with the law.

ORDINANCE 2022-04

Ordinance Amending Section 85-27.1 of the Code of the Borough of Washington, entitled “Schedule VA: Resident Off-Street Permit Parking”

WHEREAS, the Borough of Washington Land Use Board (the “Board”) granted Preliminary and Final Site Plan Approval to permit the development of a fast-food restaurant on property designated as Block 95, Lots 1 and 31 on the Tax Maps of the Borough of Washington, Warren County, New Jersey (the “Property”) by Resolution dated November 18, 2019 (the “Resolution”); and

WHEREAS, the Resolution requires, as a condition of approval, that seven (7) parking spaces be reserved for overnight parking for Borough residents pursuant to a permit to be issued by the Borough; and

WHEREAS, Borough Council desires to amend its ordinances to allow for the issuance of overnight resident parking permits for the parking lot located on the Property; and

Section 1. Section 85-27.1 of the Code of the Borough of Washington, entitled “Schedule VA: Resident Off-Street Permit Parking” shall be amended as follows (deletions noted with strikethrough ~~thus~~ and additions noted in bold italic **thus**):

Schedule VA: Resident ~~Off-Street~~ Permit Parking.

A. No vehicle, except as duly licensed pursuant to subsection ~~7-12A.2~~ **(E)** hereof, or exempt as hereafter set forth, shall be parked between the hours specified, on the days specified, upon any of the street or parts of streets described.

Name of Street	Side	Hours	Days	Location
South Lincoln Avenue	East	All	Monday through Sunday	From Monroe Street to Willow Avenue

B. Public overnight parking shall be permitted in the following private parking lots without the need for issuance of a permit. Vehicles shall not be parked for longer than 48 hours. No commercial vehicles shall be permitted to park in the public parking spaces designated below.

Location of Lot	Location of Spaces within Lot	Restrictions
41 West Washington Avenue (corner of West Washington Avenue and South Lincoln Avenue)	Ten (10) spaces as delineated by signs and / or pavement markings.	No commercial vehicles shall be permitted to park in the ten (10) spaced delineated for public parking.

CB. The following vehicles shall be exempt **from the requirements of subsection (A) hereof**: contractors', service and delivery vehicles bearing the name and address of a commercial business during the time they are rendering service to a residence on any of the restricted streets; public utility vehicles bearing the name and address of the utility during the time they are rendering service; and police, fire and medical emergency vehicles while parking in the line of duty.

DC. In addition to all other fines and penalties, a vehicle parked in violation of this section shall be subject to towing, the cost of which to be paid for by the owner or operator of the vehicle before such vehicles shall be released.

ED. Only vehicles without available off-street public parking shall be eligible for parking permits. "Available off-street public parking" is defined as having reasonable access to a Borough-owned parking lot within 200 feet of a residence.

FE. A permit providing for **on-street parking pursuant to Subsection (A)** ~~on-street resident parking as required by Subsection D~~ may be obtained by application to the Borough Clerk by any resident of the streets restricted thereby. There shall be no fee for such **permit vehicle**. Such application must be accompanied by proof of residence. Property owner permits shall be issued for a period of no greater than three years, tenant permits shall be issued for a period of no greater than one year, and all permits shall expire on December 31 of the appropriate year or upon termination of residence.

A permit is not required for off-street parking pursuant to Subsection (B).

GF. Residents shall be entitled to receive one resident permit per household for a vehicle that is principally garaged or parked at the residence address, which fact shall be certified to by the resident at the time of application.

HG. Resident permits shall be affixed to the vehicle to which they are issued, so as to be clearly visible and unobscured at the location hereafter set forth. Visitor permits shall be displayed in such location but need not be affixed to the visitor vehicle. On vehicles with a rear window, the permit shall be placed on the inside surface at the lower left corner of the rear window. On vehicles without a rear window, the permit shall be placed on the inside surface of the rearmost left-hand side window at the lower right-hand corner of same.

IH. All persons parking pursuant to permit shall comply with all applicable parking and traffic rules and regulations.

JA. It shall be a violation of this section to photocopy, otherwise reproduce, or in any way create a facsimile or counterfeit permit. It shall be a violation hereof to display or otherwise use a permit known to be counterfeit. It shall be a violation hereof to furnish false information or fraudulent documents in connection with an application for a permit. It shall be a violation to use or allow anyone to use a valid permit in violation of this

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section. Any person violating the provisions hereof shall be subject to a fine not to exceed \$300 and/or imprisonment for not more than 10 days.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

RESOLUTION 2022-55

2022 Municipal Budget

of the Borough of Washington, County of Warren for the fiscal year 2022

Revenues and Appropriations Summaries

Summary of Revenues	Anticipated	
	2022	2021
1. Surplus	\$ 600,000.00	\$ 600,000.00
2. Total Miscellaneous Revenues	\$ 2,322,477.02	\$ 2,248,793.07
3. Receipts from Delinquent Taxes	\$ 400,000.00	\$ 400,000.00
4. a) Local Tax for Municipal Purposes	\$ 5,104,839.84	\$ 5,049,709.06
b) Addition to Local District School Tax		
c) Minimum Library Tax	\$ 167,903.34	\$ 149,734.12
Total Amount to be Raised for Support of Municipal Budget	\$ 5,272,743.18	\$ 5,199,443.18
Total General Revenues	\$ 8,595,220.20	\$ 8,448,236.25

Summary of Appropriations	2022 Budget	Final 2021 Budget
1. Operating Expenses: Salaries and Wages	\$ 1,232,766.68	\$ 1,230,501.68
Other Expenses	\$ 4,933,137.52	\$ 4,955,110.57
2. Deferred Charges & Other Appropriations	\$ 334,074.00	\$ 266,510.00
3. Capital Improvements	\$ 180,000.00	\$ 144,000.00
4. Debt Service (Included for School)	\$ 1,115,242.00	\$ 1,103,562.00
5. Reserve for Uncollected Taxes	\$ 800,000.00	\$ 748,552.00
Total General Appropriations	\$ 8,595,220.20	\$ 8,448,236.25
Total Number of Employees	F/T 21 & P/T 15	F/T 20 & P/T 14

2022 Dedicated Sewer Utility Budget		
Summary of Revenues	2022	2021
1. Surplus	\$ 550,000.00	\$ 596,196.00
2. Rents	\$ 2,190,712.00	\$ 2,100,000.00
3. Miscellaneous Rents		
4. Miscellaneous		
Total Revenue	\$ 2,740,712.00	\$ 2,696,196.00

Summary of Appropriations	2022	Final 2021 Budget
1. Operating Expenses: Salaries and Wages	\$ 185,000.00	\$ 175,000.00
Other Expenses	\$ 1,584,200.00	\$ 1,510,000.00
2. Capital Improvements	\$ 100,000.00	\$ 100,000.00
3. Debt Service	\$ 56,512.00	\$ 100,196.00
4. Deferred Charges & Other Appropriations	\$ 15,000.00	\$ 11,000.00
5. Surplus (General Budget)	\$ 800,000.00	\$ 800,000.00
Total General Revenues	\$ 2,740,712.00	\$ 2,696,196.00

2022 Dedicated Solid Waste Budget		
Summary of Revenues	2022	2021
1. Surplus		
2. Rents	\$ 645,000.00	\$ 650,168.00
3. Miscellaneous Rents		
4. Miscellaneous	\$ 120,000.00	
Total Revenue	\$ 765,000.00	\$ 650,168.00

Summary of Appropriations	2022	Final 2021 Budget
1. Operating Expenses: Salaries and Wages	\$ 238,479.00	\$ 173,000.00
Other Expenses	\$ 313,794.56	\$ 343,323.00
2. Capital Improvements		
3. Debt Service	\$ 141,521.00	\$ 120,000.00
4. Deferred Charges & Other Appropriations	\$ 71,205.44	\$ 13,845.00
5. Surplus (General Budget)		
Total General Revenues	\$ 765,000.00	\$ 650,168.00

RESOLUTION 2022-58
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
100/63	JCP&L 113 South Lincoln Avenue Washington, NJ 07882 Property Location: Same	Demolition 1.0 E.D.U. to 0 E.D.U. Effective: January 2022

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

RESOLUTION 2022-60
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
83/1	Baker, Kristina and Nicholas 88-90 Park Avenue Washington, NJ 07882 Property Location: Same	Billing error 3.0 E.D.U. to 2 E.D.U. Effective: January 2022

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

RESOLUTION 2022-61
A RESOLUTION TO REFUND OVERPAYMENT
ON 2022 SEWER BALANCE

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$347.40 on the 2022 sewer bill for the property located at 26 McKinley Avenue, also known as Block 46 Lot 14, and in the name of Valle, Alejandro; and

WHEREAS, the Tax Collector has received a written request from the property owner that the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$347.40 payable to:

Alejandro Valle
26 McKinley Ave
Washington, NJ 07882

RESOLUTION NO. 2022-62

**RESOLUTION URGING THE SWIFT
PASSAGE OF S-330/A3804, WHICH SHALL
RESTORE THE ENERGY TAX RECEIPTS TO
MUNICIPALITIES**

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.